

W
MARCELLUS A. FRENCH SR.

SCANNED at MENARD and E-mailed
8-29-23 by JC 293 pages
Date initials No.

PLAINTIFF,

v.

LATONYA HUNTER
MARGARET MADOLE
ANTHONY WILLS
MAJOR RONLAND
LT. JOSHUA SCHOPENBECK
SGT. ANTHONY JONES
YO GARCIA
SARA MCCLURE

COMPLAINT
CIVIL ACTION NO.

23-2948-DWD

DEFENDANTS,

JURISDICTION & VENUE

1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER COLOR OF STATE, LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1333 (a)(3). PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202. PLAINTIFF'S CLAIMS

Case 3:23-cv-02948-DWD Document 1 Filed 08/29/23 Page 2 of 40 Page ID #2
FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY
28 U.S.C. SECTION 2283 & 2284 AND RULE
65 OF THE FEDERAL RULES OF CIVIL PROCE-
DURE.

2. THE SOUTHERN DISTRICT OF ILLINOIS
IS AN APPROPRIATE VENUE UNDER 28 U.S.C.
SECTION 1331 (b)(2) BECAUSE IT IS WHERE
THE EVENTS GIVING RISE TO THIS CLAIM
OCCURRED.

PLAINTIFF

3. PLAINTIFF, MARCELLUS A. FRENCH SR.,
IS AND WAS AT ALL TIMES MENTIONED
HEREIN A PRISONER OF THE STATE OF
ILLINOIS IN THE CUSTODY OF THE ILLINOIS
DEPARTMENT OF CORRECTIONS. HE IS
CURRENTLY CONFINED IN MENARD CORRE-
CTIONAL CENTER, IN MENARD, ILLINOIS.
ADDRESSED AT; MARCELLUS A. FRENCH SR.
#M21081, P.O. BOX 1000, MENARD,
ILLINOIS, 62259.

UNITED STATES DISTRICT COURT
for the
Southern District of Illinois

| | | |
|------------------------------------|---|---|
| <u>MARCELLUS A. FRENCH SR.</u> |) | Case Number: <u>23-2948-DWD</u> |
| |) | (Clerk's Office will provide) |
| <u>Plaintiff(s)/Petitioner(s)</u> |) | <input checked="" type="checkbox"/> CIVIL RIGHTS COMPLAINT |
| v. |) | <input type="checkbox"/> pursuant to 42 U.S.C. §1983 (State Prisoner) |
| <u>ANTHONY WILLS, LT. JOSHUA</u> |) | <input type="checkbox"/> CIVIL RIGHTS COMPLAINT |
| <u>SCIFEREN BECK, SGT. ANTHONY</u> |) | <input type="checkbox"/> pursuant to 28 U.S.C. §1331 (Federal Prisoner) |
| <u>JONES, MAJOR ROWLAND,</u> |) | <input type="checkbox"/> CIVIL COMPLAINT |
| <u>c/o GARCIA, SARA MCCLURE,</u> |) | <input type="checkbox"/> pursuant to the Federal Tort Claims Act, 28 U.S.C. |
| <u>etc....</u> |) | <u>§§1346, 2671-2680, or other law</u> |
| <u>Defendant(s)/Respondent(s)</u> |) | |

I. JURISDICTION

Plaintiff:

A. Plaintiff's mailing address, register number, and present place of confinement.

MARCELLUS A. FRENCH SR.

M21081

P.O. Box 1000

MCNARD CORRECTIONAL CENTER

Defendant #1:

B. Defendant Anthony Wills is employed as
(a) (Name of First Defendant)

CHIEF ADMINISTRATIVE OFFICER (WARDEN)
(b) (Position/Title)

with LENARD CORRECTIONAL
(c) (Employer's Name and Address)

center —

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? Yes No

If your answer is YES, briefly explain:

(I.D.O.C.) is based on Illinois, in which

ANTHONY WILLS IS THE WARDEN OF A ILLINOIS STATE PRISON!

Defendant #2:

C. Defendant Major. Rowland is employed as

(Name of Second Defendant)

Major/ security officer

(Position/Title)

with Menard Correctional

(Employer's Name and Address)

center

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? Yes No

If you answer is YES, briefly explain:

(I.D.O.C) is employed by the state and
Major. Rowland is a Major/security
officer for Menard C.C. which is a
state prison!

Additional Defendant(s) (if any):

D. Using the outline set forth above, identify any additional Defendant(s).

Defendant #3 Joshua A. Schonbeck is
employed as Lieutenant with
Menard Correctional center at
the time of the claim(s) alleged in
this complaint defendant #3 was employed
by the state, local, or federal government?

Yes (I.D.O.C) is employed by the state

Rev. 10/3/19 AND Lt. Schonbeck is a Lieutenant
for Menard C.C., a state prison.

E. DEFENDANT #4 ANTHONY B. JONES IS EMPLOYED AS SERGEANT WITH MENARD CORRECTIONAL CENTER AT THE TIME OF THE CLAIM(S) ALLEGED IN THIS COMPLAINT. DEFENDANT #4 WAS EMPLOYED BY THE STATE, LOCAL, OR FEDERAL GOVERNMENT? Yes (I.D.O.C.) IS EMPLOYED BY THE STATE AND SGT. JONES IS A SERGEANT FOR MENARD C.C., A STATE PRISON.

F. DEFENDANT #5 CORRECTIONAL OFFICER (C/O) GARCIA IS EMPLOYED AS CORRECTIONAL OFFICER WITH MENARD CORRECTIONAL CENTER AT THE TIME OF THE CLAIM(S) ALLEGED IN THIS COMPLAINT. DEFENDANT #5 WAS EMPLOYED BY THE STATE, LOCAL, OR FEDERAL GOVERNMENT? Yes (I.D.O.C.) IS EMPLOYED BY THE STATE AND C/O GARCIA IS A CORRECTIONAL OFFICER FOR MENARD C.C., A STATE PRISON.

G. DEFENDANT #6 SARA McCLURE IS EMPLOYED AS GRIEVANCE OFFICER WITH MENARD CORRECTIONAL CENTER AT THE TIME OF THE CLAIM(S) ALLEGED IN THIS COMPLAINT. DEFENDANT #6 WAS EMPLOYED BY THE STATE, LOCAL, OR FEDERAL GOVERNMENT?

Yes (I.D.O.C.) is employed by the state and
SARA McCURRY is a grievance officer for
MENARD C.C., a state prison.

H. DEFENDANT #7 MARGARET MADOLE IS EMPLOYED
AS AN ADMINISTRATOR OF THE ADMINISTRATIVE
REVIEW BOARD WITH THE ILLINOIS DEPARTMENT
OF CORRECTIONS AT THE TIME OF THE CLAIM(S)
ALLEGED IN THIS COMPLAINT. DEFENDANT #7
WAS EMPLOYED BY THE STATE, LOCAL, OR
FEDERAL GOVERNMENT? Yes (I.D.O.C.) IS
EMPLOYED BY THE STATE AND MARGARET MADOLE
IS A MEMBER OF THE A.R.B., A STATE
DEPARTMENT.

I. DEFENDANT #8 LATOYA HUTCHES IS EMPLOYED
AS ACTING DIRECTOR WITH ILLINOIS DEPARTMENT
OF CORRECTIONS AT THE TIME OF THE CLAIM(S)
ALLEGED IN THIS COMPLAINT. DEFENDANT #8 WAS
EMPLOYED BY THE STATE, LOCAL, OR FEDERAL
GOVERNMENT? Yes (I.D.O.C.) IS EMPLOYED BY
THE STATE AND LATOYA HUTCHES IS THE ACTING
DIRECTOR FOR ILLINOIS DEPARTMENT OF CORRECTIONS,
A STATE DEPARTMENT.

J. EACH DEFENDANT IS SUED INDIVIDUALLY
AND IN HIS/HER OFFICIAL CAPACITY. AT
ALL TIMES MENTIONED IN THIS COMPLAINT
EACH DEFENDANT ACTED UNDER THE
COLOR OF STATE LAW.

II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court while you were in prison or jail (during either your current or a previous time in prison or jail), e.g., civil actions brought under 42 U.S.C. § 1983 (state prisoner), 28 U.S.C. § 1331 (federal prisoner), 28 U.S.C. §§ 1346, 2671-2680, or other law? Yes No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. List ALL lawsuits in any jurisdiction and indicate the court where they were filed to the best of your ability, including those that resulted in the assessment of a "strike" under 28 U.S.C. § 1915(g) and/or those that were dismissed for being frivolous, malicious, or for failure to state a claim (see 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e)(2); Federal Rule of Civil Procedure 12(b)(6)). FAILURE TO FULLY DISCLOSE YOUR LITIGATION HISTORY, INCLUDING "STRIKES," MAY RESULT IN SANCTIONS THAT INCLUDE DISMISSAL OF THIS ACTION.

1. Parties to previous lawsuits:

Plaintiff(s): *Marcus French*

Defendant(s):

*TOM DART (SHERIFF); MR. SALAZER (SANITATION OFFICER)
MR. MARTINEZ (SUPERINTENDENT); MR. LEDVOTA (DOCTOR MEDICAL)*

2. Court (if federal court, name of the district; if state court, name of the county):

NORTHERN DISTRICT OF ILLINOIS

3. Docket number:

1:14-cv-02859

4. Name of Judge to whom case was assigned:

HONORABLE JOHN J. THARP JR.

5. Type of case (for example: Was it a habeas corpus or civil rights action?): *CIVIL RIGHTS*

6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?): *SETTLED*

7. Approximate date of filing lawsuit:

04/18/2014

8. Approximate date of disposition:

2015 - 2016

9. Was the case dismissed as being frivolous, malicious, or for failure to state a claim upon which relief may be granted and/or did the court tell you that you received a "strike?" No

III. GRIEVANCE PROCEDURE

A. Is there a prisoner grievance procedure in the institution? Yes No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes No

C. If your answer is YES,

1. What steps did you take? I FILED A GRIEVANCE (DENIED AS AN EMERGENCY) IT WAS RETURNED DENIED NOT AN EMERGENCY, I RE-FILED TO THE COUNSELOR AND GRIEVANCE OFFICER.

2. What was the result? THE GRIEVANCE OFFICER APPROVED OF THE GUILTY VERDICT AND STATED BASICALLY MY CLAIM WAS FALSE, THE CHIEF ADMINISTRATIVE OFFICER CONCURRED.

D. If your answer is NO, explain why not.

N/A

E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? Yes No

N/A

F. If your answer is YES,

1. What steps did you take?

N/A

2. What was the result?

N/A

G. If your answer is NO, explain why not.

N/A

H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:

THE GRIEVANCE AND EVERY RESPONSE
IS PRESENT ALONG WITH EVERYTHING
NEEDED TO SHOW I EXHAUSTED MY
ADMINISTRATIVE REMEDY.

IV. STATEMENT OF CLAIM

A. State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments or citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits. You should also attach any relevant, supporting documentation.

1. THE IMPOSITION OF DISCIPLINARY SEGREGATION FOR MISCONDUCT, DELIBERATE INDIFFERENCE TO MEDICAL NEEDS, UNSAFE AND UNSANITARY CONDITIONS, VIOLATED PLAINTIFF, MARCELLUS FRENCH'S RIGHTS AND CONSTITUTED, A DUE PROCESS VIOLATION, CRUEL AND UNUSUAL PUNISHMENT, AND EQUAL PROTECTION OF LAW, UNDER THE 1ST, 8TH, 13TH AND 14TH AMENDMENTS TO THE UNITED STATES CONSTITUTION. THERE IS A PATTERN OF PRACTICE IN REGARDS TO THE VIOLATIONS STATED ABOVE..... OVER

A. ON 11-08-22 APPROXIMATELY 1:00 PM - 1:30 PM, I WAS ESCORTED OFF "WEST ONE" YARD, PLACED IN SEGREGATION AND CHARGED WITH 1) DANGEROUS DISTURBANCE AND 2) DISOBEDIENCE A DIRECT ORDER ESSENTIAL TO SAFETY AND SECURITY.

B. ON 11-16-22, PLAINTIFF HAD A HEARING ON THIS DISCIPLINARY SITUATION, I EXPECTED FOR MY EVIDENCE TO BE INVESTIGATED, PRESENTED AND PRESERVED. BEING I WAS ISSUED A TICKET 11-08-22 FOR THE INCIDENT ABOVE, IN WHICH I SIGNED FOR VERIFICATION WHILE ALSO REQUESTING ON THE TICKET IN WRITING FOR WITNESSES JAMETRIC NICHOLSON AND TEKEYA LAW TO TESTIFY IN REGARDS TO MY INNOCENCE

No witness was allowed to speak or testify on Plaintiff's behalf, nor was any witness investigated in regards to their knowledge of the Plaintiff's actions.

c. Plaintiff presented also, a written statement (see Exhibit 1) that was not accepted & gave an oral statement explaining the recorded and monitored phones utilized by inmate. Verification would easily exonerate me. (see Exhibit 2 Disciplinary Report summary) after pleading my innocence and being escorted back to my segregation cell, I later discovered I was found guilty of both charges and sentenced to 28 days of segregation and 1 month of C grade (demotion) my aggression

TO A 13 HIGH.

D. AFTER THE 28 DAYS OF SEGREGATION PLAINTIFF WAS PLACE IN "EAST HOUSE" WHICH IS A DISCIPLINARY HIGH INCIDENT TYPE OF "BAD INMATE" UNIT. THIS UNIT IS NOT AWARDED THE SAME PRIVILEGES AS "GENERAL POPULATION" WHERE PLAINTIFF WAS HOUSED BEFORE AND DURING THE INCIDENT ON 11-08-22. (SEE EXHIBIT 3, 4 AND 5) WHICH CONSIST GRIEVANCES REGARDING INADEQUATE LIVING CONDITIONS, DUE PROCESS VIOLATIONS, EQUAL PROTECTION VIOLATIONS. PLAINTIFF ALSO GRIEVED THE DISCIPLINARY REPORT, THE ADJUSTMENT COMMITTEE HEARING, AND THE PUNISHMENT PLAINTIFF WAS SENTENCED. (SEE EXHIBIT 6)

E. NOW RESIDING IN THE "EAST HOUSE" cell #418 FROM 12-06-22 TO 1ST OR 2ND WEEK

of JANUARY 2023, then moved me to cell # 725 with inmate RICKIE KENDRICKS. I WAS NOT HOUSED IN THIS CELL FOR 30 DAYS BEFORE THIS ALLEGED DRUG WAS FOUND IN ME AND MY CELLMATE CELL. THIS DISCOVERY TOOK PLACE 02-09-23, NO INCIDENT REPORT, INVESTIGATION REPORT, OR DISCIPLINARY REPORT WAS WRITTEN UNTIL 04-29-23. (SEE EXHIBIT 7)

F. ONCE I WAS ESCORTED TO SEPARATION 04-29-23 AND ISSUED A DISCIPLINARY REPORT, SEEING THE SERIOUSNESS OF THE OFFENSES 1) DRUGS & DRUGS PARAPHERNALIA AND 2) CONTRABAND / UNAUTHORIZED PROPERTY. I REVIEWED THE ILLINOIS ADMINISTRATIVE CODE PART 504, TITLED DISCIPLINE / GRIEVANCES. I ALSO REVIEWED THE ILLINOIS DEPARTMENT OF CORRECTIONS

ADMINISTRATIVE DIRECTIVE, WHICH BECAME
EFFECTIVE 01-01-23. (SEE EXHIBIT 8
FOR ADMINISTRATIVE CODE PART 504 AND
EXHIBIT 9 FOR ADMINISTRATIVE DIRECT-
IVES). UPON REVIEW IT IS CLEAR AS
DALE MENARD STAFF AND ADMINISTRATION
WERE NOT FOLLOWING PROCEDURES OR
PROTOCOL! AS WHAT WILL BE SHOWN AND
PROVEN SOON, MENARD DOES NOT FOLLOW
THEIR OWN RULES LET ALONE CONSTITUT-
IONAL RIGHTS OF A PRISONER.

5. ON 05-03-23 I HAD A HEARING ON
THE CHARGES BASED ON THE DISCIPLINARY
REPORT ISSUED 04-29-23. THE SAME
COMMITTEE PERSONNEL WAS PRESENT AT
MY HEARING 11-16-22, BEING LT. JOSHUA
A. SCHÖENBECK AND SGT. ANTHONY B.
JONES. I PROVIDED A FULL ACCOUNT OF
HOW I AM COMPLETELY INNOCENT, HOW
MY DUE PROCESS WAS VIOLATED AND HOW

According to the court documents AND RULES I MUST BE ACQUITTED OF ALL CHARGES. YET AND STILL I WAS CONVICTED OF THE OFFENSES (SEE EXHIBIT 10 THE SUMMARY OF THE ENTIRE PROCEEDING, EXHIBIT 11 GRIEVANCE CONCERNING DUE PROCESS VIOLATIONS AND ADMINISTRATIVE CODE VIOLATIONS) NOT ONLY WAS I CONVICTED, I WAS EXCESSIVELY SENTENCED, ANOTHER OPENLY DISREGARD TO THE LAWS AND POLICIES SET FORTH THAT MENARD "CLEARLY" DOESNT FOLLOW. (SEE EXHIBIT 12 GRIEVANCE ADDRESSING 504.110 COMPUTATION OF DISCIPLINE FOR MULTIPLE OFFENSES)

H. WHILE ENDURING THIS SEGREGATION SENTENCE THE HARDSHIPS I'VE ENCOUNTERED ARE MORE THAN SIGNIFICANT THEY ARE EXTREME AND COMPLETELY INHUMANE.

A NEUTRAL PARTY IN THE MIDDLE OF A RIOT
BETWEEN THE OFFICERS AND INMATES. (SEE
EXHIBIT 13 GRIEVANCE # 182-6-23)

FECES, URINE, MASSIVE TRODDS, EVEN A
SUICIDE TOOK PLACE, MASSIVE MESS WAS
SPRAYED AND NOTHING WAS CLEANED UNTIL
DAYS LATER. SHOWERS WERE NOT GIVEN
FOR WEEKS AND FOOD PORTIONS DECREASED
DRASTICALLY.

I. I HAVE BEEN DENIED RECREATION/HARD
WITHOUT VALID REASON, MY PERSONAL PROP-
ERTY HAS BEEN MISPLACED AND MISTHAND-
LED, MENARD HAS DIRECTLY VIOLATED
THEIR POLICIES AND ADMINISTRATIVE
DIRECTIVES, IN REGARDS TO MY CARE. (SEE
EXHIBIT 14 GRIEVANCE # 287-5-23) YET
AND STILL THE DENIAL OF RIGHTS IS A
CLEAR PATTERN OF PRACTICE BY MENARD
STAFF AND ADMINISTRATION.

PROPER ACCESS TO THE COURTS (LEGAL PROCEEDINGS) AND ACCESS TO KNOWLEDGE/EDUCATION THAT HAS HELPED ME UNDERSTAND AND APPLY MY RIGHTS. (SEE EXHIBIT 15 GRIEVANCE #376-5-23) IN REGARDS TO EDUCATION DENIAL AND STAGNATION (SEE EXHIBIT 16 GRIEVANCE #41-5-23) ALSO IN REGARDS TO LEGAL MAIL BEING MIS-HANDED AND NOT RECEIVED UNDER PROPER PROCEDURES. (SEE EXHIBIT 17 GRIEVANCE #42-8-23)

K. MY IMMEDIATE FAMILY AND FRIENDS HAVE BEEN DENIED AND DEPRIVED OF VISITATION (VIDEO AND CONTACT), COMMUNICATION (PHONE CALLS AND EMAILS) DUE TO THE PUNISHMENT I'VE UNLAWFULLY RECEIVED. BECAUSE OF THIS PATTERN OF PRACTICE, CLEAR VIOLATIONS OF MY RIGHTS

LOVE DEARLY. (SEE EXHIBIT 18 MARRIAGE REQUEST DENIAL) MY GRANDFATHER DIED SOMETIME IN JULY OF 2023 AND I WAS UNABLE TO CONSOLE MY MOTHER AT THE LOSS OF HER FATHER.

L. IT IS MY BELIEF THAT THIS PATTERN OF MISCONDUCT IS BEING EXTENDED TO ME BECAUSE I GRIEVANCE ANY AND ALL IMPROPER AND UNLAWFUL CONDITIONS AND CONDUCT HERE AT MENARD C.C. TO REDRESS IS MY RIGHT AND I SHOULD NOT BE PLACED IN IMPOSITION OF SOLITARY CONFINEMENT WITHOUT DUE PROCESS WHICH REQUIRES 1. WRITTEN STATEMENT OF FACT FINDINGS, 2. WRITTEN NOTICE OF CLAIMED VIOLATIONS, 3. RIGHT TO CALL WITNESSES, 4. PRESENT DOCUMENTARY EVIDENCE WHERE SUCH WOULD NOT BE

UNDUE HARM AND DUE TO INSTITUTIONAL SAFETY
OR CORRECTIONAL GOALS. CLEARLY THE WILLING
TESTIMONY FROM TEKEYA LAW AND
JENETRIC NICHOLSON (SEE EXHIBIT 19
AND EXHIBIT 20) WAS AVAILABLE, THE
ADJUSTMENT COMMITTEE JUST DONT
ALLOW ME TO PRESENT THE WITNESSES
ABUSING THEIR DISCRETION. PLAINTIFF ALSO
OBTAINED "EXONERATORY" EVIDENCE (SEE
EXHIBIT 21) WHICH IS THE CELLULAR
PHONE OF TEKEYA LAW CALL LOG SHOWING
AND PROVING SHE WAS INDEED ON THE
PHONE AT THE TIME AND DATE OF THE
INCIDENT AT HAND, THIS CORROBORATES
WITH THE TESTIMONY OF MS. LAW. PLAINTIFF
WAS ABLE TO OBTAIN THIS WITHOUT causinG
ANY HAZARDOUS OR SAFETY VIOLATIONS TO
THE INSTITUTION, SO IT IS EASY TO SAY THE
HEARING INVESTIGATOR COULD HAVE EASILY
RETRIEVED THIS EXONERATING EVIDENCE.

RAPHT I., SENTENCE 4 "IF ANY WITNESS REQUEST IS DENIED, A WRITTEN REASON SHALL BE PROVIDED". (SEE EXHIBIT 8) NO REASON WAS GIVEN AT ALL WHY TAKUMA LAW WAS DENIED AS A WITNESS, AGAIN VIOLATING ADMINISTRATIVE CODE! AND THE REASON Jemetric Nicholson WAS A DISAPPROVE WITNESS " INDIVIDUAL IN CUSTODY Nicholson, Jemetric # M33746 WAS NOT CALLED AS A WITNESS, THE WITNESS WAS INVOLVED IN THE SAME INCIDENT." (EXHIBIT 2 ADJUSTMENT COMMITTEE FINAL SUMMARY REPORT) WHICH MAKES NO SENSE AT ALL BECAUSE Nicholson PLED GUILTY AND WAS EXONERATING PLAINTIFF AS A CONSPIRATOR OR ACCESSORY.

N. Now AGAIN PLAINTIFF'S DUE PROCESS HAS BEEN VIOLATED IN A LIBERTY INTEREST CREATED BY PRISON REGULATIONS AS PLAINTIFF HAS BEEN PLACED IN SOLITARY

MENARD C.C. AND SPECIFICALLY LT. JOSHUA A. SETHORNBECK AND SGT. ANTHONY B. JONES HAS COMPLETELY DISREGARDED THE ADMINISTRATIVE CODE AND ADMINISTRATIVE DIRECTIVES. ACCORDING TO MENARD C.C. OWN RULES AND REGULATIONS THERE ARE MULTIPLE REASONS WHY THIS CHARGE SHOULD HAVE BEEN ACQUITTED. THE FIRST IS SECTION 504.20 PARAGRAPH E (SEE EXHIBIT 8) WHICH DISCUSSES POSSESSION. THIS PARAGRAPH ADDRESSES INMATES IN A "SINGULAR" STAND POINT YET THERE ARE Two PEOPLE (PLURAL) LIVING IN THE CELLS HERE AT MENARD C.C (EAST HOUSE). AND BY THE INCOMPETENT OFFICER WHO ALLEGEDLY FOUND THE DRUGS FAILED TO PROPERLY PREPARE THE DISCIPLINARY REPORT I'M SUFFERING ANOTHER INJUSTICE.

O. Case 3:23-cv-02948-DWD Document 1 Filed 08/29/23 Page 24 of 40 Page ID #24
THE SECOND REASON THE ADJUSTMENT
COMMITTEE SHOULD HAVE ACQUITTED THE
CHARGES I HAVE BEEN UNLAWFULLY CONV-
ICTED OF, SECTION 504.30 PARAGRAPH C
STATES; (SEE EXHIBIT 8)

"THE DISCIPLINARY REPORT MUST BE FULLY
COMPLETED. THE REPORTING EMPLOYEE SHALL
PROVIDE THE FOLLOWING INFORMATION TO THE
EXTENT KNOWN OR AVAILABLE."

THERE ARE SIX SENTENCES THAT FOLLOW
THE STATEMENT ABOVE, PLAINTIFF WILL
ONLY CITE THE ONE THAT WAS NOT GIVEN
TO HIM VIOLATING HIS DUE PROCESS
SINCE THE LAW STIPULATES IT MUST BE
DONE TO COMPLETE MY DISCIPLINARY REPORT.
SENTENCE FOUR STATES;

"A WRITTEN STATEMENT DETAILING THE
CONDUCT OBSERVED".

THE REPORTING OFFICER WHO ALLEGEDLY DIS-
 COVERED THE DRUGS FAILED TO SAY WHERE
 HE FOUND THE DRUGS! OBVIOUSLY IF THERE
 IS A DISCOVERY MADE, THERE IS AN LOCATION
 INVOLVED WHICH WAS NOT STATED IN THE
 REPORT. (SEE EXHIBIT 7) THE OMISSION OF
 THIS CRUCIAL DETAIL DEPRIVED PLAINTIFF
 OF EXONERATION, PRESENTING A DEFENSE,
 DUE PROCESS AND EQUAL PROTECTION OF
 THE LAW. WHICH IS WHY THE ADJUSTMENT
 COMMITTEE SHOULD HAVE ACQUITTED ME!

P. THE THIRD REASON IS ALSO WITHIN SECTION
 504.30, BUT NOW PARAGRAPH D. (SEE EXHIBIT
 B) WHICH STATES CLEARLY;

"IF AN OFFENDER IS SUSPECTED OF COMMITTING
 A DISCIPLINARY OFFENSE, AN INVESTIGATIVE
 DISCIPLINARY REPORT, HERINAFTER REFERRED
 TO AS AN INVESTIGATIVE REPORT, SHALL BE
 ISSUED THAT REASONABLY INFORMS THE

TO THE EXTENT THAT SAFETY AND SECURITY ALLOW. IN NO EVENT SHALL AN INVESTIGATIVE REPORT BE SERVED UPON AN OFFENDER MORE THAN EIGHT CALENDAR DAYS AFTER THE SUSPECTED COMMISSION OF AN OFFENSE OR THE DISCOVERY OF AN OFFENSE, WHICHEVER IS LATER, UNLESS THE OFFENDER IS UNAVAILABLE OR UNABLE TO PARTICIPATE IN THE PROCEEDINGS.

PLAINTIFF WAS ALWAYS AVAILABLE AND yet he NEVER RECEIVED AN INVESTIGATIVE REPORT WHEN CLEARLY PLAINTIFF WAS "SUSPECTED OF COMMITTING A DISCIPLINARY OFFENSE" (SEE EXHIBIT 7) WHICH STATES "THIS DISCIPLINARY REPORT IS BEING ISSUED BASED ON VIOLATIONS THAT HAVE BEEN DISCOVERED DURING THE COURSE OF AN "INTERNAL INVESTIGATION". CLEARLY ABANDONING THE RIGHTS AND PROCEDURES ENTITLED TO PRISONERS, SUCH AS PLAINTIFF. SO THIS CLAIM IS NOT DRAWN OUT TO LONG. PLAINTIFF CITES EVERY REGULATION

of MANDATORY LANGUAGE ON WHICH BASES ENTITLEDENTS TO VARIOUS PRIVILEGES THAT WERE CLEARLY DISREGARDED CONCERNING PLAINTIFF; 504.30 PARAGRAPH E, 504.60 PARAGRAPH A, 504.80 PARAGRAPHS E, G, I-4, K, M-C2, AND 504.110 PARAGRAPH A (SEE EXHIBIT 8 FOR SUPPORT OF THE CITED EVIDENCE).

Q. BEFORE PLAINTIFF CHALLENGES THE CONDITIONS OF CONTINENTAL, PLAINTIFF ASK THE COURT TO REVIEW THIS SITUATION DE NOVO AND UPON ACCEPTANCE AWARD PLAINTIFF, FRANCIS, ~~THE~~ ALL THE DUE PROCESS GIVEN IN WOLFF V. McDONNELL 418 U.S. 539. PLAINTIFF WAS ARRESTED FOR 1ST DEGREE MURDER AT THE AGE OF 20 (YOUNG ADULT/YOUTHFUL OFFENDER SEE 730 ILCS 5/5-4.5-115 (2020)) BECAUSE OF NEWLY DISCOVERED SCIENCE ON JUVENILE/YOUNG ADULT BRAIN DEVELOPMENT AND NEW CASELAW (PEOPLE V. HARRIS, 2018 IL 121932; MILLER V. ALABAMA, 567 U.S. 460 (2012);

JUVENILES AND YOUNGER ADULTS ARE NOW BEING RESENTENCED AND GIVEN PAROLE ACCESS. (SEE EXHIBIT 22 PLAINTIFF'S ACTIVE PETITION REGARDING RE-SENTENCING) (AND ALSO EXHIBIT 23 ANALYSIS OF HIS DEVELOPMENT (PLAINTIFF) BY PH.D JAMES GARBARINO) POOR DISCIPLINARY HISTORY, WITH LITTLE EVIDENCE OF IMPROVEMENT IS THE 1ST FACTOR CONSIDERED REGARDING RESENTENCING! SO THE DURATION OF TIME I AM RESENTENCED RELIES HEAVILY ON INFRACTIONS I AM CHARGED WITH WHILE INCARCERATED. (SEE EXHIBIT 23 PAGES 23-25). BECAUSE OF THE IMPACT DISCIPLINARY INQUIRIES HAVE ON PLAINTIFF, AGAIN PLAINTIFF REQUEST THIS COURT TO EXTEND ALL DUE PROCESS PROTECTIONS AS WAS GIVEN TO McDONNELL IN *Wolff v. McDonnell* 418 U.S. 589.

R. ~~Case 3:23-cv-02948-DWD Document 1 Filed 03/29/23 Page 29 of 40 Page ID #29~~
CONDITIONS OF CONFINEMENT. PLAINTIFF HAS
BEEN EXCERDINGLY AND SIGNIFICANTLY
PUNISHED AND PLACED THROUGH HARDSHIP.
AS OF THE PREPARATION OF THIS CLAIM
PLAINTIFF HAS BEEN IN SEGREGATION 102
DAYS AND HAS ONLY BEEN TO RECREATION
A TOTAL OF APPROXIMATELY 5 HOURS AND
30 MINUTES. (SEE EXHIBIT 24 WHICH
CONSIST OF 9 (NINE) AFFIDAVITS SUPPORT-
ING RECREATIONAL DENIAL).

PLAINTIFF SUFFERED BEING IN THE
MIDDLE OF A RIOT. (SEE EXHIBIT 25 WHICH
CONSIST OF 2 (TWO) AFFIDAVITS SUPPORT-
ING THE RIOT AND CONDITIONS OF IT),
WAS DEPRIVED OF EDUCATIONAL GROWTH
(SEE AFFIDAVITS (3) OF THEM ALONG
WITH LETTER MARKED EXHIBIT 26), AND
HOUSED AROUND SERIOUSLY MENTALLY ILL

OF PLAINTIFF)

S. IN ACCORDANCE WITH THE "ILLINOIS
DEPARTMENT OF CORRECTIONS ADMINISTRATIVE
DIRECTIVE" WHICH STATES ON THE COVER PAGE
THAT ITS POLICY IS "THE DEPARTMENT SHALL
ENSURE INDIVIDUALS IN CUSTODY PLACED IN
RESTRICTIVE HOUSING ARE PROVIDED LIVING
CONDITIONS IN ACCORDANCE WITH DEPARTMENT
RULE 504, ADMINISTRATION OF DISCIPLINE AND
PROVISIONS ESTABLISHED HEREIN". (SEE EXHIBIT
9) IN SECTION J. TITLED "RESTRICTIVE
HOUSING CONDITIONS OF CONFINEMENT STAND-
ARDS" (EXHIBIT 9 PAGES 8-12) SEE PARAGRA-
PHS 1, 1G-1, 1H, 1T, 1W, 1X-, ALSO PARAGRA-
PHS 2, 3A-1, 3A-2, 3B; 3B-1.

AFTER REVIEWING THE EVIDENCE OF
MENTRO CORRECTIONAL CENTER STAFF AND
ADMINISTRATION CLEARLY BEING INSUBORDINATE
YOU'LL SEE, 1, PLAINTIFF REDRESSED EVERY

GRIEVANCE OFFICER SARA McCURE, GUARD
OFFICER (OF 3 BATTERY N2) GARCIA, MAJOR
ROWLAND AND CHIEF ADMINISTRATIVE OFFICER
ANTHONY WILLS DID NOTHING IN REGARDS
TO THE MULTIPLE INFRACTIONS AND VIOLATIONS
TAKING PLACE AT MENARD C.C. AND AFTER
GRIEVING/REDRESSING AND EXHAUSTING
EVERY ISSUE THEN BEING DENIED WHAT IS
AND WAS CLEARLY VIOLATED. PLAINTIFF
APPEALED TO THE A.R.B. (ADMINISTRATIVE
REVIEW BOARD) AND ACTING DIRECTOR
LATOUR HUSTIS AND BOARD MEMBER
MARGARET MADOLE SIGNED OFF ON EVERY
GRIEVANCE DECISION AFFIRMING IN MENARD
FAVOR, EVEN THOUGH THEY WERE RULING
AGAINST THEIR OWN LAWS AND POLICIES!

THE WORST PART OF YOUR DUE PROCESS
AND EQUAL PROTECTION BEING DENIED IS
MAKING THOSE AWARE THAT THEY ARE IN FACT

STILL CONTINUE IN THEIR ACTIONS.

TO CLEARLY THE GRIEVANCE PROCESS AT MENARD C.C. IS INCOMPETENT, THE PEOPLE NAMED IN THIS SUIT KNEW WITH 1ST HAND KNOWLEDGE MY RIGHTS, PLAINTIFF HAS ALSO GRIEVANCES HOW MEDICAL TREATMENT IS ISSUED UNLAWFUL, MEDICAL ATTENTION IS A RIGHT! AS YOU CAN SEE IT IS BEING DENIED TO ME AND OTHERS RESIDING AT MENARD C.C. (SEE GRIEVANCE AND AFFIDAVITS # EXHIBIT 2B) ALSO (AFFIDAVITS FROM RESIDENTS (INMATE(S)) AT MENARD C.C. EXHIBIT 29) PLAINTIFF REQUEST RESPECTFULLY THAT THE COURT REVIEW THESE CLAIMS INDIVIDUALLY AND CUMULATIVELY TO BE ABLE TO EVALUATE THE FULL WEIGHT OF PLAINTIFF'S PAIN AND SUFFERING.

AD EQUATE OR COMPLETE REMEDY AT LAW TO
REDRESS THE WRONGS DESCRIBED HEREIN.
PLAINTIFF HAS BEEN AND WILL CONTINUE
TO BE IRREPARABLY INJURED BY THE
CONDUCT OF THE DEFENDANTS UNLESS THIS
COURT GRANTS THE DECLARATORY AND
INJUNCTIVE RELIEF WHICH PLAINTIFF
SEEKS.

V. PLAINTIFF RESPECTFULLY REQUEST THAT
THIS COURT BE UNDERSTANDING WITH THIS
CLAIM/FILING AS I, PLAINTIFF, AM PRO SE'
AND CLEARLY Not A LAWYER. THANK YOU

Request for Preliminary Relief

IN CONCLUSION, PLAINTIFF RESPECTFULLY PRAYS
THAT THIS COURT ENTER JUDGMENT GRANTING
PLAINTIFF;

1. A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFF'S RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES.
2. A PERMANENT INJUNCTION ORDERING DEFENDANT'S "LT. JOSHUA SCHÖENBECK" AND "Sgt. ANTHONY JONES" TO EXTEND INMATES UNDER THEIR MERCY REGARDING RIGHTS DURING THE ADJUSTMENT COMMITTEE HEARINGS, THEIR DUE PROCESS AS THE ADMINISTRATION CODES AND DIRECTIVES STIPULATE. THAT "MAJOR ROWLAND" PROPERLY INFORM AND ENFORCE TO HIS STAFF THAT THE RIGHTS AND ENTITLEMENTS OF A INMATE SHOULD NOT BE VIOLATED IN ANY MANNER. ALSO THAT GRIEVANCE OFFICER "SARA McCURRY"

ON INMATE GRIEVANCES ONLY BASED OFF
I.D.O.C REGULATIONS AND RULES AND NOT
BASED ON HER OWN DISCRETION.

FURTHERMORE, "ACTING DIRECTOR LAPOUTA
HUGHES" AND "ADMINISTRATIVE REVIEW BOARD
MEMBER MARGARET MADOLE" BE ORDERED
TO PERMANENTLY MAKE DECISIONS ON THE
REDRESS/GRIEVANCE OF A INMATE BASED
ONLY ON THE "MANDATORY" RULES AND
REGULATIONS THEIR DEPARTMENT (I.D.O.C.)
CREATE AS A WHOLE, A BOARD, AND
NOT BASED ON THEIR OWN DISCRETION.

3. A PRELIMINARY INJUNCTION ORDERING
"CHIEF ADMINISTRATIVE OFFICER ANTHONY
WILLS" TO HOUSE ME, PLAINTIFF, IN A
"SINGLE MAN" CELL UNTIL I.D.O.C AND

MENARD CORRECTIONAL CENTER OR THIS COURT CHANGES, CORRECTS OR COMPLETES THE POLICIES THAT ARE OBVIOUS UNFAIR FORCING AN INMATE TO BE RESPONSIBLE FOR HIS CUMULATE "PERSONAL PROPERTY" OR SIMPLY SOMETHING THAT IS CLEARLY AND OBVIOUSLY NOT HIS!

4. A PRELIMINARY INJUNCTION ORDERING "CHIEF ADMINISTRATOR OFFICER ANTHONY WIUS TO ENFORCE A SUFFICIENT MEANS OF MEDICAL ATTENTION REQUEST AND ANY REQUEST THAT ARE BASED ON A PRISONER'S RIGHTS! CLEARLY WRITTEN ON "REGULAR" PAPER IS INADEQUATE, THERE IS NO PROOF OR RECEIPT OF THE REQUEST WHICH LEAVES NO ONE RESPONSIBLE OR ACCOUNTABLE.

5. COMPENSATORY DAMAGES IN THE AMOUNT OF \$ 42,000.00 AGAINST EACH DEFENDANT, JOINTLY AND SEVERALLY.

6. PURGE DEFENDANTES IN THE AMOUNT OF \$21,000.00
AGAINST EACH DEFENDANT.

7. RE-IMBURSE PLAINTIFF FOR THE COST OF THIS
SUIT.

8. ANY ADDITIONAL RELIEF THIS COURT DEEMS
JUST, PROPER AND EQUITABLE.

08-21-2023

RESPECTFULLY SUBMITTED,

Marcellus A. French Sr.
Marcellus A. French Sr
M21081

P. O. Box 1000

LENARD IL 62259

V. REQUEST FOR RELIEF

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

typed on separate sheet of paper

VI. JURY DEMAND (check one box below)

The plaintiff does does not request a trial by jury.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed 08.21.2023
on: (date)

Marcellus A French Sr.
Signature of Plaintiff

P.O. Box 1000
Street Address

Marcellus A. French ⁵²
Printed Name

NEWARD, IL 62259
City, State, Zip

1121081

Signature of Attorney (if any)

United States District Court
SOUTHERN DISTRICT OF ILLINOIS

MARCELLUS FRENCH SR.)
Plaintiff,)
)
VS.) Case No.: _____
)
ANTHONY WILLS, et al.)
Defendant)

NOTICE OF FILING

TO: CLERK OF THE COURT
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF
ILLINOIS, 301 WEST
MAIN ST, BENTON IL
TO: 62812

TO: _____

TO: _____

PLEASE TAKE NOTICE that on 08-21, 20 23, I have provided service to the person(s) listed above by the following means:

Electronically filed through MENARD Correctional Law Library

Institutional mail at _____ Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service.

DECLARATION UNDER PENALTY OF PERJURY

Pursuant to 28 USC 1746 and 18 USC 1621, I declare under penalty of perjury that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

Date: 08-21-23

/s/ MARCELLUS A. FRENCH SR.
NAME: MARCELLUS A. FRENCH SR.
IDOC#: MZ1081
MENARD Correctional Center
P.O. Box 1000
MENARD, IL 62259



8-29-23

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
prisoner.esl@ilsd.uscourts.gov

ELECTRONIC FILING COVER SHEET

Please complete this form and include it when submitting any type of document, letter, pleading, etc. to the U.S. District Court for the Southern District of Illinois for review and filing.

French, Marcellus

Name

M21081

ID Number

Please answer questions as thoroughly as possible and circle yes or no where indicated.

1. Is this a new civil rights complaint or habeas corpus petition? Yes or No

If this is a habeas case, please circle the related statute: 28 U.S.C. 2241 or 28 U.S.C. 2254

2. Is this an Amended Complaint or an Amended Habeas Petition? Yes or No

If yes, please list case number: n/a

If yes, but you do not know the case number mark here: _____

3. Should this document be filed in a pending case? Yes or No

If yes, please list case number: n/a

If yes, but you do not know the case number mark here: _____

4. Please list the total number of pages being transmitted: 293

5. If multiple documents, please identify each document and the number of pages for each document. For example: Motion to Proceed In Forma Pauperis, 6 pages; Complaint, 28 pages.

| Name of Document | Number of Pages |
|--|-----------------|
| - Complaint and Notice of Filing | <u>39</u> |
| - Application To Proceed Without Costs (with Affidavit and Trust Fund Statements) | <u>6</u> |
| - Exhibits | <u>248</u> |

Please note that discovery requests and responses are NOT to be filed, and should be forwarded to the attorney(s) of record. Discovery materials sent to the Court will be returned unfiled.